

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

<p>JON HENRI BRYANT, SR.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>SIOUX FALLS POLICE DEPARTMENT; TOM WARD; JOHN CARDA; CHIEF BURNS; SERGEANT TIM HAGEN; ROBERT FORSTER,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">4:23-CV-04067-KES</p> <p style="text-align: center;">ORDER REQUIRING PLAINTIFF TO FILE A PRISONER TRUST ACCOUNT REPORT</p>
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Plaintiff, Jon Henri Bryant, Sr., an inmate at the Coleman Medium Federal Correctional Institution, filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. Docket 1. Bryant filed a motion for leave to proceed in forma pauperis and included account statements from his prisoner accounts, but he did not include a certified and completed prisoner trust account report that states his average monthly deposits and average monthly balance for the last six months. *See* Dockets 2, 3.

Under the Prison Litigation Reform Act, a prisoner who “brings a civil action or files an appeal in forma pauperis . . . shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). The court may, however, accept partial payment of the initial filing fee where appropriate. Thus, “[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an

installment plan.” *Henderson v. Norris*, 129 F.3d 481, 483 (8th Cir. 1997) (per curiam) (alteration in original) (quoting *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)).

The initial partial filing fee that accompanies an installment plan is calculated according to 28 U.S.C. § 1915(b)(1), which requires a payment of 20 percent of the greater of

- (A) the average monthly deposits to the prisoner’s account; or
- (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

Although Bryant has submitted prisoner account statements, he has not submitted a prisoner trust account report. See Docket 3. This court cannot evaluate Bryant’s motion for leave to proceed in forma pauperis without a certified and completed prisoner trust account report that states his average monthly deposits and average monthly balance for the last six months. Bryant must submit a completed prisoner trust account report or, in the alternative, pay the full \$402 civil complaint filing fee by **May 25, 2023**. Failure to comply will result in dismissal without prejudice of Bryant’s complaint for failure to prosecute.

Thus, it is ORDERED:

1. That the Clerk of Court will send Bryant a prisoner trust account report form.

2. That Bryant must return the completed prisoner trust account report or pay full \$402 civil complaint filing fee by **May 25, 2023**. If Bryant fails to comply with this order, his complaint will be dismissed without prejudice for failure to prosecute.

Dated April 25, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE